

FILED

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

SEP - 8 2005

CLERK
U.S. DISTRICT COURT
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA

v.

BILLY R. MERCER, JR.

CR. NO. 2:05CR 204-T
[21 USC 841(a)(1);
18 USC 924(c)(1)]

INDICTMENT

The Grand Jury charges:

COUNT 1

From an unknown date to on or about October 10, 2004, the exact dates being unknown to the Grand Jury, in Prattville, Alabama, in the Middle District of Alabama, and elsewhere,

BILLY R. MERCER, JR.,

defendant herein, did knowingly and intentionally possess with intent to distribute approximately 15 grams of methamphetamine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT 2

On or about October 10, 2004, in Prattville, Alabama, in the Middle District of Alabama, and elsewhere,

BILLY R. MERCER, JR.,

defendant herein, did knowingly use and carry during and in relation to, and did knowingly possess in furtherance of a drug trafficking crime as set forth in Count 1 above, which allegation the Grand Jury realleges and incorporates by reference herein, for which the defendant may be prosecuted in a Court of the United States, a firearm,

namely, a Davis Industries .380 caliber pistol, Serial Number AP 392840. All in violation of Title 18, United States Code, Section 924(c)(1).

FORFEITURE ALLEGATION

A. Counts 1 and 2 of this indictment are hereby repeated and incorporated herein by reference.

B. Upon conviction for the violation of Title 18, United States Code, Section 924(c)(1), as alleged in Count 2 of this indictment, the defendant,

BILLY R. MERCER, JR.,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924 and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of this offense, including but not limited to the following:

One Davis Industries .380 Caliber Pistol, Serial Number AP 392840.

C. If any of the property described in this forfeiture allegation, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred, sold to, or deposited with a third person;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or,
- (5) has been commingled with other property which cannot be divided

without difficulty, the United States, pursuant to Title 21, United States Code, Section 853 as incorporated by Title 28, United States Code, Section 2461(c), intends to seek

an Order of this Court forfeiting any other property of said defendant up to the value of the property described in the paragraphs above.

All in violation of Title 18, United States Code, Section 924.

A TRUE BILL:

Foreperson


LEURA GARRETT CANARY
UNITED STATES ATTORNEY


JOHN T. HARMON
Assistant United States Attorney


TERRY F. MOORER
Assistant United States Attorney